

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

REBECCA FRANCESCATI,)	
)	
)	
)	
Plaintiff,)	No. 1:11-cv-05270
)	
v.)	
)	Honorable Marvin E. Aspen
STEFANI JOANNE GERMANOTTA)	Magistrate Judge Jeffrey T. Gilbert
p/k/a LADY GAGA, INTERSCOPE RECORDS,)	
UNIVERSAL MUSIC GROUP, INC.,)	ECF CASE
DJ WHITE SHADOW, LLC, and)	
BRIAN JOSEPH GAYNOR,)	JURY TRIAL DEMANDED
)	
Defendants.)	

**DEFENDANTS' MOTION FOR LEAVE TO FILE A BRIEF OF UP TO FIFTY PAGES
IN LENGTH AND UP TO 125 STATEMENTS OF UNDISPUTED FACT IN SUPPORT
OF THEIR COMBINED MOTION FOR SUMMARY JUDGMENT**

Defendants Stefani Joanne Germanotta p/k/a Lady Gaga, Interscope Records/Universal Music Group, Inc.,¹ DJ White Shadow, LLC, and Brian Joseph Gaynor (“Defendants” and, together with the Plaintiff, the “Parties”), by and through their undersigned counsel, hereby respectfully move (the “Motion”) this Court for an Order permitting them to file a brief in support of their combined motion for summary judgment that is up to fifty pages long and to include up to 125 facts in their Local Rule 56.1 Statement of Undisputed Material Facts (the “Statement of Facts”). In support of this Motion, the Defendants state as follows:

1. Plaintiff filed the Complaint for Copyright Infringement (the “Complaint”) in this action on August 3, 2011. (Docket No. 1.) The Complaint asserts a single claim for copyright infringement against Defendants, based on Defendant Germanotta’s alleged copying of

¹ Plaintiff’s Complaint was brought incorrectly against Interscope Records and Universal Music Group, Inc. As reflected in the joint status report, UMG Recordings, Inc. is the proper party in interest.

a musical composition by Plaintiff entitled “Juda.” Defendants have each filed answers to the Complaint, in which they deny Plaintiff’s allegations of copyright infringement and assert affirmative defenses. (Docket Nos. 27, 36, 37, 43.)

2. Pursuant to the Defendants’ request and following briefing and oral argument, the Court staged liability and damages discovery in this case, “with fact and expert discovery concerning liability generally to proceed before full-blown damages discovery. (Docket No. 41.) The Court further held that the “parties may serve and respond to written discovery concerning damages in the initial phase of written discovery.” (*Id.*)

3. The parties have completed document productions and written discovery as well as fact and expert depositions on liability issues, and liability discovery closed in this action on February 1, 2013. (Docket Entry. 110.) As the parties advised Magistrate Judge Gilbert, to whom the case was referred for discovery purposes, Defendants expect to file a motion for summary judgment within thirty days of the close of discovery, on or before March 4, 2013, in accordance with Federal Rule of Civil Procedure 56(b). (*Id.*)

4. Counsel for each of the four Defendants are coordinating their motions for summary judgment on liability issues. In order to minimize any repetition and to make dispositive motion practice in this case most efficient, Defendant Germanotta expects to file a motion for summary judgment on liability issues, in which the other Defendants will join.

5. Defendants respectfully request that they be permitted to file a brief in support of their combined motion for summary judgment that is up to fifty pages long, which would result in shorter briefing than the sixty pages to which they would be entitled under the local rules, should each Defendant file a separate motion for summary judgment. Likewise, Defendants respectfully request that they be permitted to include up to 125 facts in their Statement of Facts,

which would be fewer than the 320 facts to which they would be entitled under the local rules, should each Defendant file a separate Statement of Facts.

6. Defendants seek an extension of up to fifty pages for their combined motion for summary judgment and 125 facts for their combined Statement of Facts, in part because Plaintiff has proffered three liability experts offering separate opinions on multiple issues concerning Plaintiff's copyright infringement claim. Defendants expect to address in their combined motion for summary judgment the opinions of each expert.

7. This Motion is being made in good faith and not for the purpose of hindering or delaying these proceedings.

8. No Party will suffer prejudice if the Court grants this Motion.

9. In light of the circumstances described above, granting this Motion would serve the interests of justice.

WHEREFORE, Defendants respectfully request that this Court grant their Motion and enter an Order permitting Defendants to file a brief in support of their combined motion for summary judgment that is up to fifty pages long and to include up to 125 facts in their Local Rule 56.1 Statement of Undisputed Material Facts.

Dated: February 19, 2013

Respectfully submitted,

/s/Catherine J. Spector

Charles Ortner
Sandra A. Crawshaw-Sparks
Alexander Kaplan
Kevin S. Blum
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Tel: (212) 969-3000
cortner@proskauer.com
scrawshaw@proskauer.com
akaplan@proskauer.com
kblum@proskauer.com

Steven R. Gilford
Catherine J. Spector
PROSKAUER ROSE LLP
70 West Madison St., Suite 3800
Chicago, IL 60602
Tel: (312) 962-3550
sgilford@proskauer.com
cspector@proskauer.com

Attorneys for Stefani Joanne Germanotta

/s/Elvis D. Gonzalez

Elvis D. Gonzalez
ELVIS GONZALEZ, LTD.
Three First National Plaza
70 West Madison St., Suite 1515
Chicago, IL 60602
Tel: (312) 558-9779
egonzalez@elvisgonzalezltd.com

Attorney for DJ White Shadow, LLC

/s/Andrew H. Bart

Christopher B. Lay
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654
Tel: (312) 840-7295
clay@jenner.com

Andrew H. Bart
JENNER & BLOCK LLP
919 Third Avenue – 37th Floor
New York, NY 10022-3908
Tel: (212) 891-1600
abart@jenner.com

Attorneys for UMG Recordings, Inc.

/s/Bryan E. Curry

John J. Bullaro, Jr.
Bryan E. Curry
BULLARO & CARTON PC
200 North LaSalle St., Suite 2420
Chicago, IL 60601
Tel: (312) 831-1000
jbullaro@bullarocarton.com
bcurry@bullarocarton.com

Attorneys for Brian Joseph Gaynor

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system on this 19th day of February, 2013.

/s/ Catherine J. Spector

Catherine J. Spector